

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BOARD OF TRUSTEES OF THE	:	Civil Action No. 09-cv-09333(KBF)
OPERATING ENGINEERS PENSION	:	
TRUST, on Behalf of Itself and All Others	:	<u>CLASS ACTION</u>
Similarly Situated,	:	
	:	NOTICE OF MOTION FOR FINAL
	:	APPROVAL OF SETTLEMENT AND PLAN
Plaintiff,	:	OF ALLOCATION OF SETTLEMENT
	:	PROCEEDS, AND AN AWARD OF
vs.	:	ATTORNEYS' FEES AND EXPENSES AND
	:	LEAD PLAINTIFF'S CASE
JPMORGAN CHASE BANK, NATIONAL	:	CONTRIBUTION AWARD
ASSOCIATION,	:	
	:	
Defendant.	:	
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TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that upon: (i) the Joint Declaration of Stephen R. Astley and Robert A. Izard affirmed on October 22, 2013; (ii) the Declaration of Stephen R. Astley affirmed on October 22, 2013; (iii) the Declaration of Robert A. Izard affirmed on October 21, 2013; (iv) the Declaration of Joseph Ehrbar affirmed on October 16, 2013; (v) the Stipulation of Settlement dated August 16, 2013 and the Exhibits annexed thereto; (vi) the Declaration of Carole K. Sylvester affirmed on October 21, 2013; (vii) Lead Plaintiff's Memorandum of Law in Support of Motion for Final Approval of Settlement and Plan of Allocation of Settlement Proceeds; (viii) Lead Counsel's Memorandum of Law in Support of Motion for an Award of Attorneys' Fees and Expenses and Lead Plaintiff's Case Contribution Award; and (ix) all other proceedings herein, Lead Plaintiff will move this Court, before the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street,

New York, New York on November 19, 2013, at 1:00 p.m., for entry of orders and judgments pursuant to Rule 23 of the Federal Rules of Civil Procedure (1) finally approving the settlement of the captioned litigation, (2) approving the Plan of Allocation of settlement proceeds, and (3) awarding Lead Counsel attorneys' fees plus expenses in the litigation and Lead Plaintiff's Case Contribution Award.

DATED: October 22, 2013

Respectfully submitted,

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STEPHEN R. ASTLEY (*pro hac vice*)
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s/ Stephen R. Astley
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2013, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 22, 2013.

s/ Stephen R. Astley

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Mailing Information for a Case 1:09-cv-09333-KBF

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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